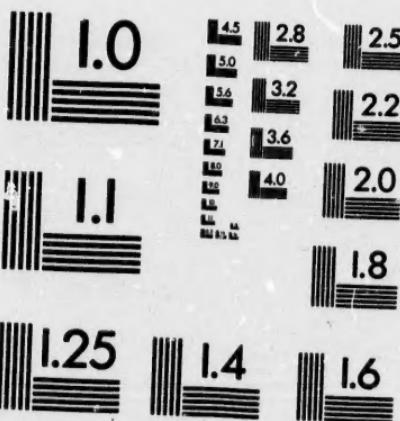


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*Montreal
Pamphlet 6.79*

**RULES,
REGULATIONS & BY-LAWS**

FOR THE

MANAGEMENT OF THE OFFICE

OF

PORT WARDEN,

IN THE HARBOUR OF MONTREAL.

Montreal :

1863.

**THE OFFICE OF THE PORT WARDEN IS IN CUSTOM-HOUSE SQUARE,
(LATE MONTREAL HOUSE.)**

Port Warden's Office,
MONTREAL, 7th May, 1863.

TO OWNERS, MASTERS AND AGENTS OF VESSELS.

Vessels trading to Montreal, to or from any Port, not within the limits of inland navigation, must conform to the following rules :

1. It shall be the duty of the Port Warden or his deputy, on being notified and requested by any of the parties interested, to proceed in person on board of any vessel for the purpose of examining the condition and stowage of cargo ; and if there be any goods damaged on board of such vessel, he shall inquire, examine, and ascertain the cause or causes of such damage, and make a memorandum thereof, and enter the same in full on the books of his office.

2. The Master of any vessel which has broken bulk for the purpose of lightening or other necessary purpose, previous to her arrival in the Harbor of Montreal, shall immediately on the discovery of any damaged cargo, proceed to hold a survey on the same in the manner herein prescribed, before the same shall be moved out of the place in which it was originally stowed ; and if, after the arrival in port of any vessel from beyond the seas, which has not

had occasion to lighten, break bulk, or otherwise discharge any portion of her cargo before coming into the Harbor, the hatches of such vessel shall be first opened by any person not a Port Warden, and the cargo or any part thereof shall come from on board such ship in a damaged condition, these facts shall be *prima facie* evidence that such damage occurred in consequence of improper stowage or negligence on the part of the persons in charge of the vessel, and such default shall, until the contrary be shewn, be chargeable to the owner, master or other person interested as part owner or master of said vessel.

3. The Port Warden shall, when required, proceed to any ship, steamer or other vessel, warehouse, dwelling or wharf, and examine any merchandise, vessel, material, produce or other property, said to have been damaged on board of any vessel, and inquire, examine and ascertain the cause of such damage, make a memorandum thereof, and of such property, and record in the books of his office, a full and complete statement thereof.

4. The Port Warden shall, when required, be surveyor on any vessel which may have suffered wreck or damage, or which shall be deemed unfit to proceed on her voyage: he shall examine the hull, spars, rigging and all appurtenances thereof, shall specify what damage has occurred, record in the books of the office a full and particular account of all surveys held on such vessel: he shall call to his assistance, if necessary, in such survey, one or more carpenters, sail-makers, riggers, shipwrights, or other persons skilled in their profession, who shall each be entitled to a fee not exceeding two dollars for the first survey, and one dollar for each subsequent one on which their services may be required, to aid him in the examination and survey, but no such surveyor must be interested in the case; the Port Warden shall also, if required, be sur-

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veyor of the repairs necessary to render such vessel seaworthy, and his certificate that these repairs have been properly made shall be evidence that the vessel is seaworthy.

5. The Port Warden shall have cognizance of all matters relating to the surveys of vessels and their cargoes, arriving in port damaged, and when requested shall, on payment of the regular fee, give certificate of such surveys.

6. The master of any vessel intending to load grain in bulk for any port not within the limits of inland navigation, shall, before taking in any of such grain, notify the Port Warden from time to time, while the different chambers are being prepared, to survey and inspect the said vessel as well as the dunnage and lining boards: the Port Warden in such case shall ascertain whether such vessel is in a fit state to receive and carry the cargo in safety; he shall record in his books the condition of the vessel; if he finds she is not fit to carry the cargo in safety, he shall state what repairs are necessary to render her seaworthy: before beginning to load each chamber he shall be careful to see that it is properly dunnaged and lined, and provided with shifting boards, and that the boards and plank used for these purposes have been properly seasoned: he shall examine the pumps and see that they are properly lined and dunnaged: he shall enter in the books of his office all particulars connected with these surveys, and grant the necessary certificates.

7. It shall be the duty of the Port Warden, when required, to decide what amount of dunnage is necessary below cargo, and also between wheat or other grain, and the flour to be stowed over it, and his certificate that such dunnage has been used, shall be *prima facie* evidence of the good stowage of the cargo so far as these points are concerned.

8. The Port Warden, if requested by any person having shipped cargo on board of a vessel, and at the expense of such person, shall proceed on board of such vessel and examine whether she is in a fit state to proceed to sea or not; if she is found unfit the Port Warden shall state in what particular, and shall notify the master not to leave the port until the required conditions have been fulfilled.

9. The Port Warden shall, when required, estimate the value and measurement of any vessel, when the same is in dispute or otherwise needed, and shall record the same in the books of his office.

10. It shall be the duty of every Auctioneer making a sale of any vessel condemned, or ship's materials, or goods damaged on board a ship or vessel, whether sea-going or of inland navigation, sold for benefit of underwriters or others concerned, in the City of Montreal, to file a statement of the same at the office of the Port Warden within ten days after such sale: no underwriters' sale shall take place until after at least two days public advertisement in not less than two English and one French newspapers in the City of Montreal, and such sale shall not be at an hour earlier than twelve, nor later than three o'clock in the day.

11. It shall be the duty of the Port Warden, when required in writing, by all parties in interest, to hear and arbitrate upon any difficulty or matter in dispute between the master or consignee of any ship or vessel, and any proprietor, shipper, or consignee of the cargo, and keep a record thereof.

12. No goods, vessels or other property shall be sold as damaged for account of underwriters, unless a regular survey and condemnation has previously been had, and the Port Warden shall, in all such cases, be one of the surveyors.

13. Before proceeding to act in any case in the per-

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formance of his duties, the Port Warden shall give reasonable notice to all parties interested or concerned in the case.

14. All notices, requests or requirements to, or from the Port Warden, must be given in writing and a reasonable time before action is required.

15. On the demand of any party interested, the Port Warden shall furnish certificates in writing, under his hand, of any matters of record in his office; he shall also furnish when required, copies of any entries in his books, or documents filed in his office.

16. The Port Warden shall supply to every master of a vessel arriving in the port of Montreal, a copy of the regulations relating to the office of Port Warden, once in each year.

17. In all matters regarding surveys, &c., the Port Warden shall conform to, and be governed by the regulations of Lloyd's, so far as they are applicable to the port of Montreal and to the circumstances of the case.

18. Should any dispute arise between the Port Warden and any party interested, in any case where his presence has been required, either party may appeal to the Board of Examiners, and it shall be the duty of the Secretary of the Board of Trade, on a requisition being presented to him to that effect, to summon forthwith a meeting of the said Board of Examiners who, or not less than three of them, shall immediately investigate and report on the case submitted to them, and their determination, or that of a majority of them, made in writing, shall be final and conclusive.

19. The party against whom the Examiners decide shall pay all the expenses, and the Examiners shall determine the amount of fees or charges payable in each case, which shall never exceed twenty dollars.

20. No vessel over 450 tons register shall be permitted.

to load an entire cargo of Grain in bulk—Oats excepted. All vessels loading grain will be required to have a bulk-head not less than six feet from the Bow and one foot from the Stern.

21. No vessel will be permitted to take more than twelve thousand bushels of grain in bulk without a bulk-head to divide it into compartments,—no compartment to contain more than 12,000 bushels.

22. All vessels, (loading grain in bulk,) of 400 tons to be platformed or dunnaged at least 9 inches at the Kelson, and 12 inches at the Bilge, ships of 1,200 tons, 12 inches at the Kelson, and 15 inches at the Bilge, including the thickness of the lining boards, other sized ships in proportion ;—and lined with well-seasoned timber. Vessels under 600 tons register to have two inches of dunnage, over that tonnage, to have three inches of dunnage between the grain and other cargo. All vessels to be dunnaged and lined to the satisfaction of the Port Warden.

23. The Pumps of all vessels loading grain in bulk, and when necessary the Masts, to be cased in; and should the Port Warden require it, the casing round the Pump to be large enough to allow a man to pass down into the well; the casing to be of good workmanship, and of seasoned wood, so that the grain may not pass through. There must be also proper shifting boards on each side, which must be well secured to the stanchions, and the stanchions themselves well secured to the beams and kelson. Shifting boards to extend to at least one third the depth of the grain space.

24. Great care should be taken to well fill the vessel with bulk grain under the decks, and it is advisable when vessels are filling up, that no more grain should be put on board than the number of labourers employed are able to trim and properly stow.

25. The following scale is the limit to which ships of ordinary build should be laden, subject however, in all cases, to the judgement of the Port Warden.

Vessels, from 12 to 14 ft. depth of hold, to have 2 $\frac{1}{2}$ inches	} to each foot depth of hold.
" 14 to 17 " " " 2 $\frac{1}{4}$	
" 17 to 20 " " " 3	
" 20 to 22 " " " 3 $\frac{1}{4}$	

" 22 to 26 " " " 3 $\frac{1}{2}$

Any vessel which loads only a portion of her cargo at Montreal, and proposes to fill up at any other Port, shall receive from the Port Warden a limit to the draft of water to which she may be loaded, and if such limit is exceeded, it shall have the effect of nullifying the certificate previously granted by the Port Warden, so far as seaworthiness in respect of draft of water is concerned.

26. The following list of fees shall be payable to the Port Warden, by the parties employing him. But in case of a survey of cargo alleged to be improperly stowed, the party in the wrong shall pay the fee.

FEES.

First survey of hatches and cargo, including certificate.....	\$ 2,00
Every subsequent survey.....	1,00
Each copy of certificate when required.....	0,25
Every survey of damaged goods on wharf or in store, with certificate—value \$200; and under—\$1,50; over that value.....	2,50
Survey on hull, sails, spars and rigging of any vessel damaged on arriving in port in distress.....	5,00
Every subsequent survey.....	1,00
Certificate of survey, repairs and seaworthiness...	1,00
Survey to know if ship is seaworthy with certificate	2,50
Survey, that repairs ordered, if not seaworthy, have been made, with certificate.....	2,50

Valuation of a vessel for average—under 500 tons	\$5,00
500 to 1000 tons \$1 per 100 tons, but not to exceed	10,00
Measurement of a vessels beam for towage.....	1,00
Certificate when required.....	0,25
For inspection of a vessel intending to load from under 500 tons with certificate—all the surveys	5,00
From 500 to 1000 tons \$1 per 100 tons but the charge with certificate is not in any case to to exceed (and is payable by the vessel)—all the surveys.....	10,00
For inspection of dunnage beween grain and flour..	1,00
Certificate when required.....	0,25
Settling dispute between master or consignee of ship and owner of cargo.....	2,50
For certificate under seal or copy of record or docu- ment.....	1,00
Every copy of every certificate.....	0,25
For the Δ ppeal of any case from the Port Warden to the Board of Examiners payable by the party against whom the decision is given ; in no case more than.....	20,00

(By order of the Board.)

WILLIAM GRANGE,

Port Warden.

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